

**REMARKS****Telephone conference**

Applicants thank the Examiner for the many courtesies extended during the telephone conference held on September 11, 2006. During the telephone conference the Examiner indicated that the restriction requirement was issued in error.

**Restriction requirement**

In the Office Action of August 29, 2006 the Examiner asserts, in a restriction requirement, that the present application contains claims directed to three distinct inventions, Invention I (Claims 1-11); Invention II (Claims 12-24) and Invention III (Claims 25-29). Applicants request that the Examiner withdraw the requirement for restriction as indicated during the telephone conference on September 11, 2006.

Applicants submit that in view of the Preliminary Amendment filed on April 16, 2004, Claims 1-11 have been canceled and Claims 12-40 are currently pending in the present application. Hence, the restriction requirement should be withdrawn as it does not pertain to claims currently pending in the application.

Applicants also submit that the Examiner has issued an Office Action on September 21, 2006 without a restriction requirement, wherein the Examiner indicated that Claims 30-40 are allowable. The Examiner has issued another Office Action on March 21, 2006 without a restriction requirement, wherein the Examiner indicated that Claims 15-23 and 25-40 are allowable. Therefore, the Office Action of August 29, 2006 with a restriction requirement is the third Office Action issued by the Examiner. Applicants respectfully protest to this kind of piecemeal prosecution by the USPTO. Although 37 CFR 1.142(a) provides that restriction is proper at any stage of prosecution up to final action, according to MPEP 811 "before making a restriction requirement after the first action on the merits, the examiner will consider whether there will be a serious burden if restriction is not required" (emphasis added). Applicants submit that in view of the fact that most claims have been found to be allowable by the Examiner, there is no serious burden if the restriction is not required.

Should the Examiner disagree with Applicants, the Examiner is respectfully requested to explicitly set forth the reasons why not issuing the current restriction would be a serious

burden.

It is submitted that the application is in condition for allowance. Allowance of the application at an early date is solicited.

**Conclusion**

In view of the above, allowance of the pending claims is respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 on

September 12, 2006

(Date of Deposit)

Aileen Shrestha

(Name of Person Signing)

Aileen Shrestha

(Signature)

September 12, 2006

(Date)

Respectfully submitted,

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